

**STATE COUNCIL FOR PERSONS WITH DISABILITIES'  
HOME & COMMUNITY BASED SERVICES WORKGROUP**

**October 9, 2017 – 1:30 PM**

**Smyrna Rest Area Conference Room, Smyrna**

**PRESENT**

Terri Hancharick, Co-Chair; Jamie Wolfe, Co-Chair; Kate Brookins, JEVS; Anthony Carter, JEVS; Kim DeShields, Easter Seals; Kathleen Dougherty, DMMA (via phone); Debbie Dunlap, Parent; Jody Hougentogler, BIAD/Parent; Maureen Ludlam, DMMA (via phone); Staci Marvel, DMMA (via phone); Cindy Mercer, DSAAPD; Daniese McMullin-Powell, SCPD; Dava Newnam, DSAAPD; Ann Phillips, Parent/Family Voices (via phone); Lisa Zimmerman, DMMA (via phone); and Jo Singles, Support Staff.

Guests: Mary/Tony Chaisson

**CALL TO ORDER**

Terri called the meeting was called to order at 1:40 pm. Everyone introduced themselves.

**ADDITIONS/DELETIONS TO THE AGENDA**

None

**APPROVAL OF THE MINUTES**

Ann made a motion to approve the minutes from the August 14<sup>th</sup> meeting. Jody seconded the motion, and the minutes were approved as submitted.

**BUSINESS**

Adding Emergency Back-up Services to the Community Attendant Services Act

Jamie spoke about the lack of an emergency back-up service in Delaware. She noted that it may need to be added to the legislation. Other states have this and we need to look at what they have done. Many of the larger Centers for Independent Living do this by contracting with home health agencies or another Center for Independent Living (CIL). Terri asked if it would be helpful to have a representative from the CIL. Anthony recommended having someone from the CIL in Philadelphia attend a meeting to explain how it works for them. Jamie will contact Nancy Salandra (Philadelphia-CIL) to attend a meeting. Jamie gave an example of a situation of how this process would work. Jamie spoke about the difficulty in getting attendant services when the person has no family living in the area. Jody spoke about difficulty in getting back-up services for both attendant services and skilled nursing. There was discussion about the difference between community nursing and private duty nursing. Jamie will contact Dr. Mangler (Board of Nursing) about attending the next meeting and get clarification on these issues. Jamie suggested asking him about the Nurse Practice Act. Terri suggested dedicating the next meeting to emergency back-up. Anthony spoke from the minutes that John had said we needed a clear, concise understanding of what the group wants. Jamie commented that we could discuss overall

emergency back-up at the next meeting and then look at how the nursing and attendant program differ and are similar. She added that once we know this, we will have a better idea of what we need to do. Terri asked if the attendant services program in Philadelphia is legislated. Jamie will clarify this with Nancy Salandra. Anthony commented that it is important to see how this works in Philadelphia.

#### Making Two Workgroups — One for Children and Family Issues and One for Adult Issues

After some discussion, a decision was made to keep one workgroup since both face the same issues.

#### Assigning the Topics of the Brainstorming List (that was put together at the last meeting to interested members)

The list of topics from the August 14<sup>th</sup> meeting (handout) was discussed.

1. Scope of Nurse Delegation, RE: Medication. **Jamie spoke about the difference between Home Health Agencies and Personal Attendant Services, where the Home Health Aide has to follow the agency's rules, but she can train her attendants under Personal Attendant Services. Anthony commented that this question should be directed to the Home Health Agencies. Jamie noted that the only group that was opposed to the legislation was the Board of Nursing. When Jamie contacts Dr. Mangler about emergency back-up (next meeting), she will ask him about the Nurse Practice Act and the role of Nurse Delegation (2nd meeting). Daniese spoke about the Nurse Practice Act being amended to include nurse delegation. She said that this is such an individual issue and would involve a nurse training an attendant to do that individual service. She added that is why a CNA or someone else could not come in without being individually trained. Jamie stated that when we wrote the Nurse Practice Act, we said the nurse trains the CNA for a specific procedure, then the CNA would be allowed to do it. Jamie commented that there needs to be a happy medium between someone wanting to use a medical model and someone using self-direction. Jamie commented and #1, #3 and #8 are similar. She added that #1 and #3 could be put together.**
2. Enhanced Awareness/Education, RE: Resources Accessible through Medicaid. **Lack of Coordination of Care under Medicaid Waiver especially with dual eligibles. Consumers get transferred to lists of providers without facilitation of access. The Medicaid Waiver will be looked at first, followed by Medicare. This will be a November SCPD agenda item. This was formerly #4 and is being combined with #2.**

**They may need complex rehab equipment, being denied by Medicaid and the appeal process. Because of difficulty in communication via the phone, Lisa offered to host meetings at the Lewis Building at the Herman Holloway Campus (New Castle) since their schedules do not allow for travel time. Lisa explained that when the person chooses an MCO under Community LTC, benefits and services are explained and a care plan is developed. Jamie spoke about many people not knowing to contact Medicaid for services and not knowing the process. Jamie asked Lisa about people transitioning from high**

school and finding out about attendant services under Medicaid. Lisa commented that it would be in their IEP and is discussed before the person graduates. Jody commented that people are lost before the application even starts and do not know that they are eligible for services. She added that this happens frequently with those with brain injuries and that there is a disconnect between resources and people who need them and this is a disability issue across the board. Mary spoke about her personal experience with her son and commented that he would not be able to navigate the system without her assistance. Jody stated that the issue is how do people get advocacy when they cannot advocate for themselves. Jody spoke about hearing that ADRC is not working as well as it could be and that there needs to be better training in dealing with people with brain injuries. She added that some people need assistance filling out the paperwork. Jamie suggested having the Secretary of Education or the Director of Special Education attend a meeting. Terri suggested contacting Dale Matueseovich, Director of Transitional Services. Jamie suggested asking for a status report to find out how much information is getting to graduating students. Terri stated that Dale has periodic meetings regarding transitioning and that we ask him to add Managed Care opportunities and resources. Jamie spoke about those who are under 504 receiving accommodations. Jody commented that this is a huge issue that affects many different populations. Terri stated that Wendy is bringing the Transition Task Force and this may fall into that group. This will be brought up as an agenda item at a SCPD meeting to start the discussion. Terri is on the Transition Task Force and SCPD so she can speak for both. Anthony ask about navigators who assist people in ADRC. Anthony suggested raising ADRC's profile. Dava explained that ADRC is a front-door for their services, but also serves as a mechanism for other services. Dava added that improvements need to be made. Terri mentioned the transition people at A.I. duPont Hospital and Transition of Care located at Wilmington Hospital as other resources. Terri added that resources are there, but need to get the word out more. The Guide to Human Services is another good resource. Jamie suggested that there could include a guide for persons with disabilities or a different section. Dava will bring this up to the people who develop the Guide. Dava noted that the Guide is currently being revamped. Debbie asked if they target the MCOs as a way to get information out. Dava noted that it is online and the MCOs are aware of it.

3. HHA's assertion that they are not responsible for back-up. **Contact needs to be made with the Delaware Association of Home & Community Care. This group will be included with the meeting with Dr. Mangler. This will be separate from the meeting with the Philadelphia CIL agency once Jamie contacts Nancy Salandra.**
4. Mission: Identify barriers to optimum access to HCBS and to identify and bring together stakeholders to facilitate resolution to these barriers. **Terri suggested that people wordsmith this and send to Jamie, Jo or Terri.**
5. Clear definition of PASA Agency/Attendant. **Jamie commented that these are personal assistance service agencies who do less than home health agencies. They typically run**

errands, but do not assist with bathing, dressing, etc. Dava pulled up the statute and said that the statute says they can do everything a home health agency can do, so it is how it is being interpreted. Anthony commented that this involves companion care and a concept of a vigilance and protective presence, including socialization. Dava suggested having someone who has a license for both home health and personal assistance explain the differences. Anthony said that the Delaware Association of Home & Community Care should know this. Jamie will contact this organization to see if they can speak to this and #3. They will be invited to a meeting.

6. Lack of DME providers. “New Motion” Monopoly? Lack of Medicaid-MCO Reimbursement forcing out providers? **Jamie stated that many of the providers dropped out due to the reimbursement rate by Medicaid. She provided some examples of issues with this. It was noted that the further south you go in the state, the less number of providers there are. Terri commented that this is a national issue. New Motion is the only provider for complex medical equipment. Jamie suggested bringing this issue to the Policy & Law Committee and advise the Legislature. Jody suggested including other DME Providers (other than wheelchair providers). Jamie will research websites from some national groups that deal with medical equipment and assistive technology to find out what other states are doing about this issue and bring it to the next meeting. She will start with Rehabilitation Equipment Services National Association.**
7. “Attendant-share” concept between HHA’s: If Attendant of Agency A calls out, and Agency A has no back-up, Agency B Attendant is called upon.

#### Difficulty of Care Payments

Terri spoke about the IRS allowance for Difficulty of Care Payments and stated that the need to get the word out. This is a tax exemption for personal care.

#### MySupport.com Discussion (What Other States are Doing)

MySupport.com is not coming to Delaware at this time because there is no funding available. Terri commented that it is cost effective to keep people in the community rather than going to a facility. She asked if JEVS or Easter Seals could take on this type of service at some point. Anthony stated that he would bring back to JEVS, but added that it would involve infrastructure changes. He added that Easter Seals and JEVS have registries, but without online access and the active number constantly changes. Anthony will get back to Terri with the number. Jamie spoke about a potential attendant having filled out 6 pages of the application and the process takes two weeks before getting an attendant. Anthony explained how the process works and said that it is inefficient. He is willing to brainstorm, but cannot make promises that it will change. Dava asked the possibility of utilizing a temp type agency for emergency situations. Dava will send Jamie the link to the State Contract website. Jamie said that we could look it as a possibility at the next meeting. Jody noted that hospitals do this all the time. Terri commented that we will keep MySupport will be kept on the radar if funding becomes available.

### AmeriHealth on Caritas (New MCO)

Jamie stated that AmeriHealth is replacing United Health Care as an MCO for Medicaid. Kathleen explained that letters have been sent to members saying that Open Enrollment will be November 1-30. Another letter will be sent containing the 2018 Open Enrollment package, including a comparison sheet. Jody asked what is being done for medically complex people. Maureen explained the transition process for this group to ensure continuity of care. Jody commented that this is awesome.

### Nurse Delegation

This topic was discussed above.

## **ANNOUNCEMENTS**

Anthony introduced Kate Brookins, who is a new Program Manager for JEVS. She will be overseeing the Attendant Services Program under the Medicaid Program.

## **PUBLIC COMMENT**

None

## **ADJOURNMENT**

The meeting adjourned at 3:22 pm.

Respectively submitted,

Jo Singles  
Administrative Specialist

S: hcbs/notes/10-9-17